

REMARKS

Claims 1-13 and 17-19 are pending in the present application. By the Office Action, claims 12, 13, and 17-19 have been withdrawn from consideration. By this Amendment, claim 1 is amended, and the sole independent claim. Support for amended claim 1 can be found, for example, on page 7, line 17 – page 8, line 17 in the disclosure. No new matter is added.

EXAMINER'S INTERVIEW

Applicants appreciate the courtesies extended by Supervisory Patent Examiner (SPE) Warden to Applicants' representative during the October 12, 2004 personal interview. The purpose of the interview was to discuss the Final Office Action mailed April 23, 2004 and the Response filed on July 22, 2004 in response thereto. The primary emphasis of the discussion was directed to independent claim 1.

During the interview, Applicants' representative initially discussed the objection under 37 CFR 1.75 and rejection under 35 U.S.C. § 112, second paragraph. SPE Warden stated that the amendments and remarks provided in the July 22, 2004 Response obviate the objection and rejection.

As to the rejection under 35 U.S.C. § 102, Applicants' representative submitted that Nova fails to disclose a user provides information to the user interface of the parameter selection unit about the functionality/functionalities β in the chemical species XB , the user provides information to the user interface of the parameter selection unit about the desired transformation of β to δ , the parameter selection unit retrieves R sets of associated data (Σ_R) from the database, . . . in order to obtain the R sets of reaction parameters ($^X\Sigma_R$), said R sets of reaction parameters ($^X\Sigma_R$) being accompanied by corresponding information about the chemical substance(s) A_R

under which influence the R reactions should be conducted and information about any additional constituents involved in the chemical reaction, as recited in claim 1. However, SPE Warden stated that Nova as broadly recited still teaches all of the features found in claim 1. In particular, she stated that Nova discloses a software which may provide a data base storing all relevant information including building blocks and synthesis to be performed. Applicants' representative then asserted that the parameter selection unit in the software of Nova cannot retrieve R sets of associated data (Σ_R) from the database without user interface because Nova discloses that the user instructs the software to perform the synthetic chemistry to each vessel's building block of compound. SPE Warden was responsive to Applicants' remarks and indicated that if Applicants amended claim 1 as such, it would appear to be patentably distinct over the applied reference of Nova. SPE Warden further indicated that claim 1 should be amended so that each clause begins with a verb so as to be consistent with method claims. Accordingly, SPE Warden stated that she will fully consider Applicants' amendments and remarks, and stated that an updated search will be conducted.

Claim Rejections – 35 U.S.C. § 102

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/15825 to Nova et al. (hereinafter "Nova"). The rejection is respectfully traversed.

With regard to claim 1, Applicants assert that Nova fails to disclose:

retrieving R sets of associated data (Σ_R) from the database in the parameter selection unit without user interface, . . . in order to obtain the R sets of reaction parameters ($^X\Sigma_R$), said R sets of reaction parameters ($^X\Sigma_R$) being accompanied by corresponding information about the chemical substance(s) A_R under which influence the R reactions should be conducted and information about any additional constituents involved in the chemical reaction . . .

Instead, Nova discloses on pages 75-77, that a user inputs into a computing system information the number of chemical building blocks (e.g., monomer, amino acid, nucleotide) that are to be added to each compound that is being synthesized. The information about the building blocks is inputted as per specified format. Further, using a virtual library database of all the involved building blocks, reactions, process and compound tracking data, the software will facilitate the step-by-step synthesis of the chemical library using memories. For each step specified by the user, four tasks are performed: pre-procedure, sorting, reactions, and work up. In these steps, the program instructs the user to add items to reaction vessels according to a recipe entered by the user to obtain a reaction (page 76, line 6 – page 77, line 16). However, Applicants' invention discloses that the parameter selection unit retrieves the R sets of associated data to be performed.

Therefore, Nova fails to disclose, teach, or suggest retrieving R sets of associated data (Σ_R) from the database in the parameter selection unit without user interface, . . . in order to obtain the R sets of reaction parameters ($^X\Sigma_R$), said R sets of reaction parameters ($^X\Sigma_R$) being accompanied by corresponding information about the chemical substance(s) A_R under which influence the R reactions should be conducted and information about any additional constituents involved in the chemical reaction (emphasis added), as recited in claim 1.

Because Nova fails to disclose each and every features of the claimed invention, it cannot provide a basis for a rejection under 35 U.S.C. § 102. Thus, it is respectfully submitted that the rejection be withdrawn.

For at least these reasons, Applicants respectfully submit that Nova fails to disclose or render obvious the features recited in independent claim 1. Claims 2-13, which depend from independent claim 1 are likewise distinguished over the applied art for at least the reasons

discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejection and allowance of each of claims 1-13 and 17-19 is respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **David J. Cho, Reg. 48,078** at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DJC/krf